

**STATE OF TENNESSEE JUVENILE COURT
OF SEVIER COUNTY, TENNESSEE**

STATE OF TENNESSEE,
DEPARTMENT OF CHILDREN'S SERVICES

Docket No. 2024-DN-16

Petitioner,

Declaration in Support of
Petitioner's Application for
Service by Publication

vs.

ELSA JOHANNA, Mother

And

SANTOS MILAGROS JIMINEZ ROMERO,
Maternal Grandmother/ Alleged Perpetrator

And

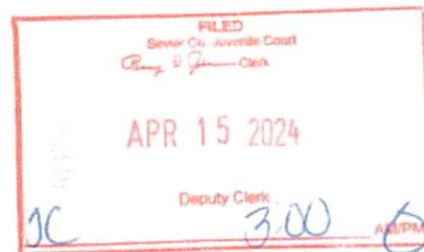
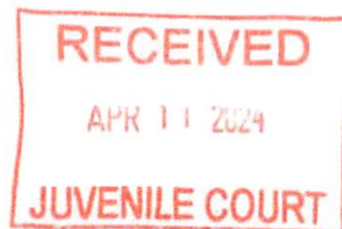
SANTOS MISAEL SALGADO GIMENEZ,
Maternal Uncle/ Alleged Perpetrator

Respondents.

IN THE MATTER OF:

BREYDI MANDELIZ SALGADO JIMENEZ
DOB 7/25/2007

[removed into DCS custody on 1/29/2024 at 10:00p.m.]
CHILD(REN) UNDER EIGHTEEN (18) YEARS OF AGE



APPLICATION AND ORDER FOR SERVICE BY PUBLICATION

COMES NOW THE PETITIONER, STATE OF TENNESSEE, DEPARTMENT OF
CHILDREN'S SERVICES, who submits the Application for Order for
Service by Publication.

FACTS OF THE CASE

This case is related to the Petition for Temporary Legal Custody as described in the Petition. Petitioner is unable to locate the Respondent, **Elsa Johanna, Mother** (see Exhibit "A").

REQUEST

Petitioner has been unable to locate or effect service of process on the Respondents in the above-captioned case. Petitioner hereby requests that the Court issue an Order for Service by Publication for a minimum period of once a week for four (4) consecutive weeks in the online legal notice publication, *Global Legal Notices®*, a website of general circulation in **Honduras** and surrounding regions which specializes in service by publication and which provides numerous benefits over traditional print newspapers. Their publication policy is to publish the Order, any notices, and all court-issued documents continuously for a period of four (4) consecutive weeks, which exceeds statutory requirements.

ARGUMENT

Petitioner has attempted unsuccessfully to locate and serve the Respondents utilizing traditional service of process methods. Respondents have made themselves unavailable for service of process.

The most practical available alternative method of service is service by publication. The only known method for service by

publication in Honduras is through *Global Legal Notices*® which provides a more thorough method to give actual notice to the Respondents, as described on their legal notice website at www.GlobalLegalNotices.com.

This method allows for a greater opportunity to give actual notice to the Respondents than service by publication in a traditional newspaper. It provides publication of the Court Order, plus the entire set of Court-issued documents. Further, the publication period exceeds the customary once a week for four (4) consecutive weeks by continually publishing the documents for an indefinite period, as allowed by law or necessity. In addition, a Google search by the Respondents' name and country will typically appear on page one of the Google search after approximately five days, thus, providing a greater opportunity to give actual notice to the Respondents.

MEMORANDUM OF POINTS AND AUTHORITIES

The U.S. Supreme Court in *Mullane v. Central Hanover Trust & Bank Co.*, 22 ILL.339, U.S. 306, 70 S. Ct. 652, 94 L. Ed. 865 (1950), found that, "*It is a logical step forward in the evolution of civil procedure that the use of new technologies in common communication be utilized.*"

U.S. courts have reasoned that service by publication on foreign defendants is permitted under Federal Rules of Civil Procedure

4(F)(3). Rule 4 allows service of process on a foreign individual:

(1) by internationally agreed upon means of service reasonably calculated to give notice; (2) by a reasonably calculated method as prescribed by the country's law for service for general actions or as the foreign authority directs to a letter rogatory; or (3) by other means not prohibited by international agreement. Because the 1993 amendments to FRCP 4(F) urge that FRCP (4)(3) be construed liberally, the courts have interpreted FRCP 4(F)(3) as authorizing them to utilize technological advancements for serving foreign defendants. Federal Rules of Civil Procedure, Rule 4((3)(1) provides that *"Service of an individual . . . may be effected in any judicial district of the United States pursuant to the law of the state in which the district court is located . . ."*

Further, Tennessee Rules of Civil Procedure, Section 4.05(1)(c) allows for service "as directed by the court."

The challenge facing Petitioner in this case is there are no traditional newspapers in Honduras that will allow for publication of legal notices which originate in courts in the United States.

CONCLUSION

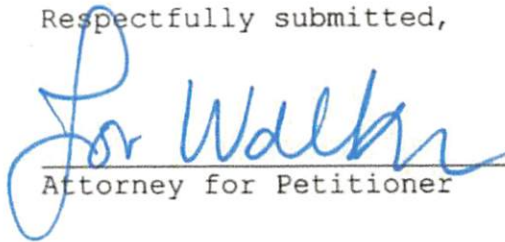
Global Legal Notices® offers an improved method of providing actual notice to a Respondent of a pending lawsuit while satisfying the Court's requirements for service by

publication.

It is widely held that service by publication has a limited success rate in providing actual notice to a respondent that a legal case is pending. Yet, courts routinely issue an order allowing for service by publication in a newspaper, either print or online, as a last resort method to complete service of process.

Wherefore, Petitioner respectfully requests that the Court issue an Order for Service by Publication in the instant case.

Respectfully submitted,

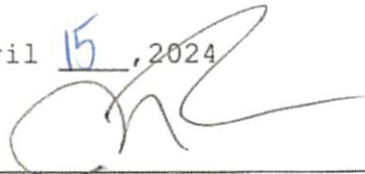


Attorney for Petitioner

ORDER FOR SERVICE BY PUBLICATION

IT IS SO ORDERED THAT service of the Civil Summons, Petition for Temporary Legal Custody and For Ex Parte Order, and Preliminary Hearing Order (English and Spanish) and all related court-issued Documents in the case State of Tennessee, Department of Children's Services v. Elsa Johanna et al., Docket No. 2024-DN-16, be published in Global Legal Notices, LLC, a publication of general circulation in Honduras, for a period of four (4) consecutive weeks, naming each Respondent, and that Proof of Publication be filed with this court no later than thirty (30) days after completion of the publication.

Dated: April 15, 2024



Judge, Juvenile Court of Sevier County, Tennessee

Exhibit "A"

**STATE OF TENNESSEE JUVENILE COURT
OF SEVIER COUNTY, TENNESSEE**

STATE OF TENNESSEE,
DEPARTMENT OF CHILDREN'S SERVICES

Docket No. 2024-DN-16

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And

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SANTOS MISAEL SALGADO GIMENEZ,
Maternal Uncle/ Alleged Perpetrator

Respondents.

IN THE MATTER OF:

BREYDI MANDELIZ SALGADO JIMENEZ

DOB 7/25/2007

[removed into DCS custody on 1/29/2024 at 10:00p.m.]

CHILD(REN) UNDER EIGHTEEN (18) YEARS OF AGE

**DECLARATION IN SUPPORT OF PETITIONER'S APPLICATION
FOR SERVICE BY PUBLICATION**

I, Nelson Tucker, offer this Declaration in Support of
Petitioner's Application for Service by Publication:

1. My firm, Process Service Network, LLC, was retained by
Petitioner, the State of Tennessee Department of
Children's Services, to serve the Respondent, **ELSA**

JOHANNA, Mother ("Respondent") for the purpose of serving her with the Civil Summons, Preliminary Hearing Order, and Petition for Temporary Legal Custody and For Ex Parte Order, (English and Spanish) in this case.

2. I am the CEO of Process Service Network, LLC, a process server and investigator with extensive experience in international service of process, am over the age of 18 years, and not a party to the within-named action. I have been a Registered Process Server and owner of Process Service Network, LLC since 1978. I have authored four (4) books on service of process, international investigations and court filing procedures and have conducted training seminars for the past 46 years. I regularly serve, or cause to be served, legal documents domestically and worldwide and supervise all international service and investigation assignments for clients who make assignments to us in Honduras. I regularly conduct MCLE courses on international service of process for major law firms and state Bar Associations. I am an Associate Member of the American Bar Association (ABA), Member of the Section on International Law and Section on International Trade. I am also a member of the Los Angeles County Bar Association, Member of the International Law Committee and Family Law Committee. I am a Life Member of the *National Association of Investigative Specialists*. I am qualified

as an expert in my field and can competently testify to the facts stated and declared within.

3. On March 27, 2024, I commenced a search to determine an address where the Respondent can be served. The following is a result of that search:

4. Search using Facebook, Twitter, Instagram, MySpace, YouTube, Google+, WhatsApp, WeChat, Line and Foursquare. Result: Nothing was found.

5. Criminal index for Respondent. Result: No record found.

6. Search of business licenses for Tegucigalpa, Honduras. Result: No records were found.

7. Search of educational institutions in the Tegucigalpa, Honduras area for possible employment of Respondent. All educational institutions in Tegucigalpa, Honduras are temporarily.

8. Search of public medical facilities and hospitals in the Tegucigalpa, Honduras area. Result: Nothing found.

9. **There is no known residence address for Respondent.**

10. Additional database searches revealed 21 possible matches. Each available data was investigated and determined to be invalid. The data checked was similar names.

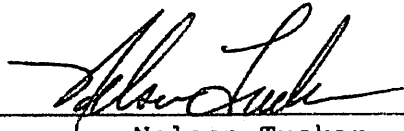
11. Other steps, not required for publication, were taken to locate the Respondent. Result: All were unsuccessful.

12. The addresses searched were provided from the

following sources: Petitioner, and obtained in course of our investigation.

13. SUMMARY: Based upon all available information, I am unable to locate and personally serve the Respondent. **Service by Publication in Global Legal Notices (www.globallegalnotices.com) is recommended.**

Executed on this 9th day of April 2024, attesting the foregoing to be true and correct, under penalty of perjury of the laws of the State of Tennessee.



Nelson Tucker

STATE OF TENNESSEE JUVENILE COURT
OF SEVIER COUNTY, TENNESSEE

CIVIL SUMMONS

STATE OF TENNESSEE

Docket No. 2024-DN-16

DEPARTMENT OF CHILDREN'S SERVICES

In Re: Jimenez

Petitioner(s)

vs. **ELSA JOHANNA**
Resides in Honduras

Notice:

TO THE DEFENDANT(S):

Tennessee law provides a four thousand dollar(\$4,000.00) personal property exemption from execution of seizure to satisfy a judgment. If a judgment should be entered against you in the action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and so not need to be listed, these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

Respondent(s)

To the above named respondent(s):

Elsa Johanna

You are hereby commanded and required to serve upon STATE OF TENN, DCS petitioner's attorney, whose address is 115 ALLENSVILLE ROAD, STE 105, SEVIERVILLE, TN 37876 an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment default will be taken against you for the relief demanded in the complaint.

You are hereby commanded to appear in Juvenile Court on the 17th day of April, 2024, at 8:30 a.m.

Witnessed and issued this 25th day of March, 2024, at 3:45 P.M.

PENNY A. JOHNSON, Clerk

By: [Signature]
Deputy Clerk

RETURN OF SERVICE OF SUMMONS

On this _____ day of _____, 2024:

_____ I have read the summons to respondent and left with the respondent a copy of this summons and a copy of the petition filed in this cause.

Received by: _____

Signature of Respondent

_____ I was unable to locate the respondent.

SWORN this the _____ day of _____, 2024.

BY: _____

Sheriff-Deputy Sheriff-Constable-Process Server

THIS SUMMONS IS ISSUED PURSUANT TO RULE 4 OF THE TENNESSEE RULES OF CIVIL PROCEDURE.

IN THE JUVENILE COURT OF SEVIER COUNTY, TENNESSEE

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES,

Petitioner,

v.

No. 2024-DN-16

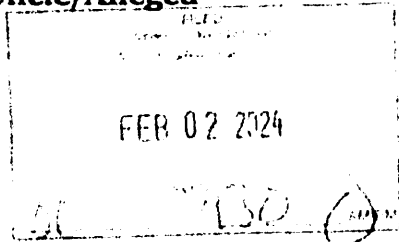
ELSA JOHANNA, Mother
Resides in Honduras

And

SANTOS MILAGROS JIMENEZ ROMERO, Maternal
Grandmother/Alleged Perpetrator
103 Mountain View Dr.
Sevierville, TN 37862
865-255-2853

And

SANTOS MISAEL SALGADO GIMENEZ, Maternal Uncle/Alleged
Perpetrator
101 Mountain View Dr.
Sevierville, TN 37862
865-255-2853
Currently in Sevier County Jail



Respondents.

IN THE MATTER OF:

BREYDI MANDELIZ SALGADO JIMENEZ DOB 7/25/2007
[removed into DCS custody on 1/29/2024 at 10 p.m.
CHILD(REN) UNDER EIGHTEEN (18) YEARS OF AGE

PRELIMINARY HEARING ORDER

HEARD BY: MAG. ADRIENNE OGLE

DATE OF HEARING: 02.02.2024

DATE PETITION FILED: 1.31.2024

DATE CHILD(REN) ENTERED FOSTER CARE: n/a

DATE OF NEXT HEARING: 4/17/24 TYPE: ADJ

PRESENT:

- [mother] **ELSA JOHANNA**
 - Present: on service of process served today
 - had notice and failed to appear
 - did not receive notice or whereabouts unknown
 - was represented by Attorney
 - waived counsel in writing

- [grandmother] **SANTOS MILAGROS JIMENEZ ROMERO**
 - Present: on service of process served today
 - had notice and failed to appear
 - did not receive notice or whereabouts unknown
 - was represented by Attorney _____

- [uncle] **SANTOS MISAEL SALGADO GIMENEZ**
 - Present: on service of process served today
 - had notice and failed to appear
 - did not receive notice or whereabouts unknown
 - was represented by Attorney _____

- [children] _____
- Guardian ad Litem: TAYLOR DRINNEN - *montana Rodriguez*
- [other party/parties] _____ *Drinnen - standing in*

- DCS Attorney Lori Walker / Dean Griffey
- CPS Case Manager PAUL NOVAK ; TL Kelsi Jiles
- DCS Family Services Worker(s) _____
- [other participants] _____

COURT FINDINGS:

- A. The Preliminary Hearing should be continued for the following reason:
- to obtain service of process.
 - upon the waiver of time by Respondent(s).

other: _____

B. Respondent(s) waive the Preliminary Hearing.

C. Upon the evidence presented, statements and arguments of counsel and the entire record, the Court finds

(1) that there is probable cause to believe the child is neglected, dependent or abused

due to _____

as alleged in the petition;

(2) that removal of the child is required pursuant to T. C. A. 37-1-114(2) and there is no less drastic alternative to removal; and

(3) that

reasonable efforts were made to prevent the child's removal from the home.

based on an assessment of the family and the child's circumstances, it was reasonable to make no effort to maintain the child in the home.

reasonable efforts to prevent removal were not required because:

a court of competent jurisdiction has previously determined that the parent has subjected the child to aggravated circumstances as defined in T.C.A. 36-1-102(9).

the parent has been convicted one of the felony crimes against a child specified in T.C.A. 37-1-166(g)(4)(B).

the parental rights of the parent to a sibling or half-sibling have been terminated involuntarily.

The Court further finds that the following is in the best interest of the child and **IT IS, THEREFORE, ORDERED** that:

1. **JURISDICTION:** The above-named child shall remain within the protective jurisdiction of this Court.

2. **CUSTODY:**

The State of Tennessee, Department of Children's Services, shall retain temporary legal custody of the children, with the authority to consent to

necessary medical, surgical, hospital, institutional care, or educational enrollment, pending further order of this Court.

Temporary legal custody of the children is awarded to _____ pending further hearing, upon finding that such placement is suitable and is a less drastic alternative to foster care.

3. VISITATION AND RESTRAINING ORDERS:

Parents shall be allowed supervised visitation with the child according to the rules and regulations of the Department of Children's Services.

_____ shall be allowed supervised visitation with the child to be supervised by the custodian(s) or their third-party designee. No visitation shall take place, or the visit shall be cut short, if the parent appears to be under the influence of alcohol or drugs. The parent shall not drive a vehicle in which the children are passengers. *Supervised visitation does not include overnights.*

The Department of Children's Services and the Guardian *ad Litem* shall have the authority to modify visitation by relaxing or eliminating the requirement of supervision and by increasing the frequency or duration of visits, up to and including overnight visitation, at the discretion of the Department and based upon progress toward reunification and can further restrict visitation once again if necessary to supervised contact.

SANTOS MILAGROS JIMENEZ ROMERO and **SANTOS MISAEL SALGADO GIMENEZ** shall have no contact with the child pending further hearing.

The Alleged Perpetrator(s), _____ waive(s) the Injunction Hearing and stipulate(s) to a preponderance of the evidence that the injunction is necessary to prevent conduct that is detrimental or harmful to the child/children.

Upon the evidence presented, statements of counsel, and the record as a whole, the Court finds that the injunction is necessary under Tennessee Code Annotated § 37-1-152 to prevent conduct that is detrimental or harmful to the child/children, and that the Department of Children's Services has established by a preponderance of the evidence that there is risk of harm to the child/children (1) for all of the reasons set out in the Petition, which are hereby specifically incorporated into this Order, (2) for the following reasons: _

PERMANENT RESTRAINING ORDER: _____ shall have no contact with the child/children, including no personal contact, no telephone calls, no electronic or written messages, and no messages through third parties. This injunction order shall remain in effect until the child/children reach the age of 18 or until this Order is modified by this Court.

PARENT'S/LEGAL GUARDIAN'S RESPONSIBILITIES: The Court informed the Mother/Father/Legal Guardian of his/her/their responsibility to enforce this Injunction and the potential legal penalties for violation of this Court's order.

4. HEARINGS:

The preliminary hearing is waived.

The preliminary is continued to be reset upon request of counsel for Respondent(s).

The preliminary hearing is reset for _____ at _____ AM/PM.

The adjudicatory hearing is set for 4/17/24 at _____ AM/PM.

The judicial review and ratification of the permanency plan is set for _____ at _____ AM/PM.

5. CHILD SUPPORT:

shall each pay token temporary child support in the amount of Fifty Dollars (\$50.00) per month per child, due on the first day of each month, through the Central Child Support Receiving Unit, P.O. Box 305200, Nashville, TN 37229, beginning immediately. The child's name and birthdate number shall be written on the check or money order. *This amount is determined without presumption of correctness.*

_____ shall

appear for a hearing on _____, 2024, at 9:00 AM in the Child Support Division of this Court to determine the ability of each to pay child support. He/She/They shall each bring documentation of current income including recent pay stubs. Failure to appear at this hearing may result in the issuance of a default judgment.

6. COURT ORDERED MEDICAL AUTHORIZATIONS FOR CHILDREN IN DCS CUSTODY:

The State of Tennessee Department of Children's Services has, pursuant to T.C.A. 63-1-165 made written request to this court for the entry of an order authorizing vaccination of a minor child in the custody of the state. It is ordered that Department of Children's Services employees and agents are permitted to provide, request, or facilitate the vaccination of the subject child(ren), and are expressly granted the authority to provide consent to the following vaccinations for the subject child(ren):

- Hepatitis B; Rotavirus; Diphtheria, tetanus, and acellular pertussis; Haemophilus influenzae type b; Pneumococcal conjugate; Inactivated poliovirus; Influenza; Measles, mumps, rubella; Varicella; Hepatitis A; and Meningococcal.
- OTHER _____.

Any healthcare provider shall accept the informed consent of the Department of Children's Services to administer any vaccine authorized by this order to the subject child(ren).

7. Vaccinations for children not in DCS custody: T.C.A. 63-1-165 does not prohibit legal custodians from obtaining vaccinations for children in their custody even if they do not have parental consent: (c)(1) A healthcare provider shall not provide a vaccination to a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor. The healthcare provider shall document receipt of, and include in the minor's medical record proof of, such prior parental or guardian informed consent. (T.C.A. 63-1-165 emphasis added).

8. OTHER:

The Court advised the parent(s) present of the importance of regular visitation and of paying support for the child(ren) and that these are grounds for TPR.

Tasks:

Made the 21st day of February, 2024.



JUDGE/MAGISTRATE

PREPARED BY:

Loji Walker

Loji J. Walker, BPR # 032421
Dean Griffey, BPR #032137
Assistant General Counsel
Department of Children's Services

APPROVED BY:

Taylor Drinnen (with permission) Montana Palgrave 2 038173
TAYLOR DRINNEN, Guardian ad Litem
BPR No.:

BPR No.:

BPR No.:

CERTIFICATE OF SERVICE

I hereby certify that I have this day hand-delivered, e-mailed, faxed and/or deposited in the U. S. mail, with sufficient postage thereon, a copy of the foregoing Hearing Order addressed to:

Lori J. Walker, DCS Attorney

Taylor Drinnen, Esq.

ELSA JOHANNA
Resides in Honduras

SANTOS MILAGROS JIMENEZ ROMERO
103 Mountain View Dr.
Sevierville, TN 37862

SANTOS MISAEAL SALGADO GIMENEZ
101 Mountain View Dr.
Sevierville, TN 37862

This 7 day of February, 2024.



Clerk

IN THE JUVENILE COURT OF SEVIER COUNTY, TENNESSEE

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES,

Petitioner,

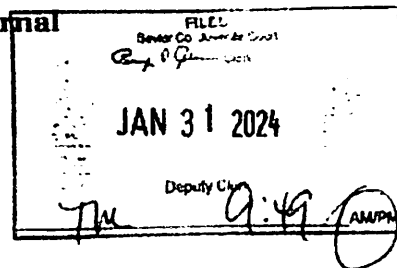
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Respondents.

IN THE MATTER OF:

BREYDI MANDELIZ SALGADO JIMENEZ DOB 7/25/2007
[removed into DCS custody on 1/29/2024 at 10 p.m.
CHILD(REN) UNDER EIGHTEEN (18) YEARS OF AGE

**PETITION FOR TEMPORARY LEGAL CUSTODY
AND FOR EX PARTE ORDER**

The State of Tennessee, Department of Children's Services, by and through its duly authorized representative, PAUL NOVAK, Case Manager, asks this Court

to find the above-named child dependent and neglected **and severely abused** and to award temporary legal custody of the child to Department of Children's Services pursuant to T.C.A. § 37-1-129-130. This petition is brought upon information and belief and upon the following reasonably ascertainable facts.

I. JURISDICTION & VENUE

1. This Court has jurisdiction over this action pursuant to T.C.A. 37-1-103(a)(1). Venue is appropriate in this Court pursuant to T.C.A. § 37-1-111(a) and (c) because the child is currently present in and is a resident of this county.

2. Pursuant to T.C.A. 37-1-120, Petitioner states that the Department of Children's Services has not participated as a party or witness or in any other capacity in any other proceeding concerning custody of this child or visitation. The Department does not know of any other proceedings that could affect this action and does not know of any other person not a party to this proceeding who has physical custody of the child or claims rights of legal custody or physical custody of or visitation with the child.

3. During the last five (5) years, the children have lived with the following people at the addresses shown below:

103 Mountain View Dr. Sevierville, TN 37862

4. Neither parent is currently serving in the Armed Forces and the Service Members Civil Relief Act does not apply to this proceeding.

5. The child is not a member of or eligible for membership in any federally recognized Indian tribe; the child's parents are not members of or eligible for membership in any federally recognized Indian tribe, and the Indian Child Welfare Act does not apply to this proceeding.

II. DEPENDENCY & NEGLECT

1. The above-named child is dependent and neglected within the meaning of T.C.A. § 37-1-102(b)(1) and (b)(13) due to the following facts and circumstances:
2. Case Manager (CM) Novak received a P1 on 01/29/2024. There were allegations of Sexual Abuse. The Alleged Perpetrators (APs) are Santos

Milagros Jimenez Romero and Santos Misael Salgado Gimenez. The Alleged Child Victim (ACV) is Breydi Mandeliz Salgado Jimenez.

3. CM Novak traveled to Sevierville Police Department (SPD) on 01/29/2024. CM engaged Detective Milliron and it was stated Santos Misael Salgado Ginenez is Santos Milagros Jimenez Romero's son and that he plans to arrest Santos Misael. It was reported the child has run away four times. It was reported that the child told Law Enforcement (LE) that Santos Misael put his penis in the child's vagina around Christmas time 2023. It was reported that the child is scared of Santos Misael and will start shaking, crying, and run to her room and lock her door if she sees him. It was reported that the child told LE that Santos Misael "fondled" her just recently. It was reported that I.E caught Santos Milagros in a lie. It was reported the child has told the grandmother several times that everything is going on between the child and uncle but the grandmother doesn't believe her but then stated that the child acts different when the uncle is around. It was reported that the grandmother is more protective over her son/uncle. It was reported the child was found in Maryville, TN.
4. CM Novak engaged Santos Misael with LE present. CM used a Spanish Interpreter via phone. Santos Misael was in handcuffs. The uncle stated he has \$18,000 in his wallet. The uncle stated he owns his own construction business, MG roofing. The uncle stated the child has ran away five times. The uncle stated he doesn't reside with the child. The uncle stated he resides in apartment 101 and the child resides in apartment 103. The uncle stated he doesn't know the child's behaviors but knows that she cries a lot. The uncle stated the child's mother has custody of the child and that the birth mother, Elsa Johanna, currently resides in Honduras. The uncle stated the child has been with the grandmother, Santos Milagros, since 2012. The uncle stated he doesn't know about any kind of custody paperwork. The uncle stated he is a renter at the apartment and denies being a landlord. The uncle stated he's been residing in his apartment for five years. The uncle stated his

his mother, Santos Milagros, the child, Breydi, the aunt, Dora, his brother, and stepfather reside in one home and that the uncle lives alone. The uncle denied the allegations against him as LE told the uncle that he is being charged with rape and sexual battery by an authority figure. The uncle chuckled and said he didn't do anything and doesn't understand what is going on. The uncle stated while shaking his head, "Never, the child is safe, I don't live there."

5. CM Novak engaged Breydi Mandeliz with LE present. CM used a Spanish Interpreter via phone. Breydi Mandeliz was observed to be in an oversized hoodie, monotoned, and was shaking. The child stated she is doing okay and school is going well. The child stated she was living with her boyfriend (18 yrs) and his family somewhere off Chapman Hwy. The child stated she isn't living with her grandmother, Santos Milagros, anymore. The child was adamant that she wanted to be placed with her boyfriend but CM made sure she understood that that would never happen. The child stated she's running away because she wants to be with her boyfriend and doesn't want to be with her grandmother because of her uncle. The child stated she should be living with her grandmother but decided she didn't want to anymore.
6. The child stated there are no problems with her grandmother when asked about what happens when she gets into trouble. The child stated her, "Uncle Romero abuses me." The child stated her Uncle Romero resides next door from where she lives with her grandmother. The child stated she resides with her grandmother and her other uncle, Noe. The child stated her mother is in Honduras and doesn't know her birth father. The child stated she's been with her grandmother for five years. CM completed a minimal face interview with the child. The child stated her Uncle Romero touched her over the clothing, didn't give a specific date then stated it was in her room, alone. The child then stated her Uncle Romero forced himself into her, twice, and was touching her. The child stated that happened at her grandmother's house, did not give a specific date. The child stated her boyfriend's mother could care

for her and that she doesn't feel safe at her grandmother's house. The child stated her grandmother doesn't care about her and what she tells her. The child denied abuse in the home with her grandmother. The child was cleared from any visible markings, bruises, and cuts.

7. LE reported to CM that the child stated she took a pregnancy test around the end of December 2023 and was positive. It was reported the child's been hitting her stomach and began bleeding. It was reported the child took another pregnancy test and was negative.
8. CM Novak engaged Santos Milagro with LE present. CM used a Spanish Interpreter via phone. The grandmother stated the child always runs away. The grandmother stated the child wants to be with her boyfriend, Eduar Vasquez, and she doesn't allow it. The grandmother stated she doesn't know Eduar, never met Eduar, and Eduar has never been over to her home. The grandmother stated she always calls LE when the child runs away. The grandmother stated it's her, the child, her sister, Dora, and nephew, that resides in the home. The grandmother stated her sister, Dora, came in from Texas because she has cancer. The grandmother stated Noe doesn't reside in the home and that he is working in another state. The grandmother stated the child is in special classes in school. The grandmother stated she only has a passport for the child and that is it regarding custody. The grandmother stated the mother brought the child to Tennessee (TN) in 2011. The grandmother stated she has no paperwork but can request a letter from the mother. The grandmother stated the child insults everyone and when that happens, no one gives her attention, and the child doesn't like that. The grandmother stated her sister will watch over the child when she is working. The grandmother stated Romero resides next door and he works all the time too. The grandmother stated Romero doesn't spend a lot of time at her house but will sometimes come over at night and then goes back to his own home. The ^{grandmother (P)} ~~mother~~ denied drugs/alcohol, domestic violence, physical/verbal abuse, and derogatory language. The grandmother denied the

allegations against Romero. The grandmother stated the child has not told her anything about regarding this. The grandmother stated the child acts normal when near Romero, always laughing, nothing abnormal.

9. CM Novak staffed with on call Team Leader (TL) Mary Lane and was advised to go over a Genogram with the grandmother, in which CM was unable to find an appropriate non-custodial placement for the child. The child entered DCS Custody.
10. On 01/30/2024, it was reported the child tested negative for all substances on a urine drug screen (UDS). It was also reported the child completed a pregnancy test and was negative.
11. Based on the facts stated above, the child is dependent and neglected.

III. REASONABLE EFFORTS

Based on an assessment of the family and the child's circumstances, it was reasonable to make no effort to maintain the child in the home *because the child is without a legal custodian.*

Reasonable efforts were made to prevent the child's removal from the home. *DCS attempted to locate non-custodial placements without success.*

IV. CUSTODY

1. Based on the facts stated above, the child is subject to an immediate threat to the extent that delay for a hearing would be likely to result in severe or irreparable harm.
2. There is no less drastic alternative to removal from the home that will reasonably protect the children's health and safety pending a preliminary hearing.
3. The child was removed into protective custody by the Department of Children's Services on **January 29, 2024.**
4. The child will be removed from the custody of the mother.

V. BEST INTEREST

It is in the best interest of the child and the public that this proceeding be brought. It is contrary to the welfare of the child to remain in the home, and the child should be removed from the home and placed in the temporary legal custody of the Department of Children's Services for the reasons stated above.

VI. PARTIES

1. The mother of the child is **ELSA JOHANNA** whose contact information is unknown at this time.
2. The maternal grandmother and alleged perpetrator of the child is **SANTOS MILAGROS JIMENEZ ROMERO** whose contact information is available in the caption.
3. The maternal uncle and alleged perpetrator is **SANTOS MISAEL SALGADO GIMENEZ** whose contact information is available in the caption.

VII. NOTICE REGARDING ABANDONMENT

A parent's willful failure to visit or support the above-named child for four months or more could constitute Abandonment, as described under Tennessee Code Annotated § 36-1-102(1) and could be used as a ground to terminate parental rights to this child.

PETITIONER PRAYS:

1. That upon the filing of this Petition, the Court enter an immediate protective custody order taking the above-named child into the protective jurisdiction of this Court and awarding the temporary care and custody of these child to the Department of Children's Services pending a further hearing.
2. That a Guardian ad Litem be appointed for the child, to be compensated pursuant to T.C. A. § 37-1-150 and applicable rules.
3. That Respondents be served with a copy of this petition, the protective custody order, and a summons to appear and answer.
4. That the Court consider the need to appoint counsel for the child's parents, who may be incompetent or indigent or as may otherwise be required by law, with compensation to be paid pursuant to T.C.A. § 37-1-150 and applicable rules.

5. That the Court hold a preliminary hearing no later than 72 hours, excluding non-judicial days, but in no event more than 84 hours after the child's removal to determine the issue of temporary custody of the child pending the final adjudication of this matter.

6. That at a final hearing of this matter, the Court find the above-named child to be dependent and neglected within the meaning of the law; that it is contrary to the child's best interest to remain in home; that reasonable efforts were made to prevent removal of the child or that reasonable efforts were not required, and that there is no less drastic alternative to removal.

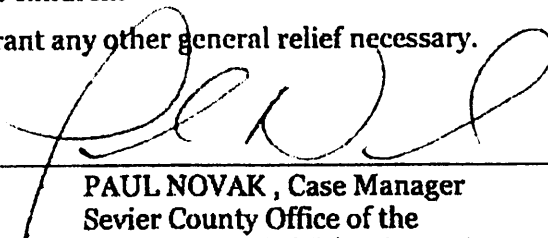
7. That based on the findings above, the Court award temporary legal custody of the child to the Department of Children's Services, granting the Department of Children's Services authority to consent to ordinary or necessary medical, surgical, hospital, educational, institutional, psychiatric or psychological care, subject to further orders of this Court.

8. That the Court inquire into the ability of each parent to pay support and the cost of medical care for the child and enter an order accordingly.

9. That the mother be restricted to supervised contact and the uncle and grandmother be restricted to no contact.

10. That the Court enter an order pursuant to 2023 Tennessee Laws Pub. Ch. SB No. 1111 and HB No. 1380 granting DCS the authority to consent to any necessary vaccination of the children.

11. That the Court grant any other general relief necessary.



PAUL NOVAK , Case Manager
Sevier County Office of the
Department of Children's Services
115 Allensville Rd, Suite 105
Sevierville, TN 37876

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES

BY: *Lori J. Walker*

Lori J. Walker, BPR # 032421
Assistant General Counsel
115 Allensville Rd, Suite 105
Sevierville, TN 37876
865-712-2647

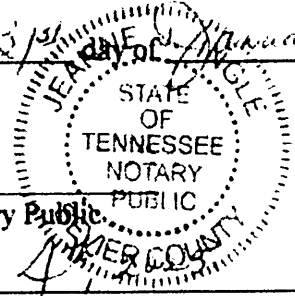
STATE OF TENNESSEE
COUNTY OF SEVIER

I, PAUL NOVAK, being duly sworn according to law, state that the facts set out in the petition above are true and correct to the best of my knowledge, information, and belief.

Paul Novak
PAUL NOVAK, Case Manager

Sworn to and subscribed before me this the 23rd day of January, 2024.

Diane J. Coyle



Notary Public

My Commission expires: October 4, 2025

**ESTADO DE TENNESSEE TRIBUNAL DE MENORES
DEL CONDADO DE SEVIER, TENNESSEE**

CITACIÓN CIVIL

STATE OF TENNESSEE

Número de Registro 2024-DN-16

DEPARTMENT OF CHILDREN'S SERVICES

En el Asunto: Jimenez

Demandante(s)

contra **ELSA JOHANNA**
Reside en Honduras

Aviso:

AL/A LOS DEMANDADO(S):

La ley de Tennessee proporciona una exención de propiedad personal de cuatro mil dólares (\$4,000.00) de ejecución o embargo para satisfacer un fallo. Si se emite un fallo en su contra en la acción y desea reclamar propiedad como exenta, debe presentar una lista escrita, bajo juramento, de los artículos que desea reclamar como exentos ante el secretario del tribunal. La lista se puede presentar en cualquier momento y se puede cambiar posteriormente según sea necesario; sin embargo, a menos que se presente antes de que el fallo se vuelva definitivo, no será efectiva respecto a ninguna ejecución o embargo emitido antes de la presentación de la lista. Ciertos artículos están automáticamente exentos por ley y no necesitan ser enumerados, estos incluyen artículos de vestir necesarios (ropa) para usted y su familia y baúles u otros receptáculos necesarios para contener dicha ropa, retratos familiares, la Biblia familiar y libros escolares. Si se incauta alguno de estos artículos, usted tendría derecho a recuperarlos. Si no comprende su derecho de exención o cómo ejercerlo, es posible que desee buscar el consejo de un abogado.

Demandado(s)

A los demandados mencionados anteriormente:

Elsa Johanna

Por la presente se les ordena y requiere que sirvan a ESTADO DE TENN, DCS al abogado del demandante, cuya dirección es 115 ALLENSVILLE ROAD, STE 105, SEVIERVILLE, TN 37876, una respuesta a la demanda que aquí se presenta ante usted dentro de los treinta (30) días posteriores a la fecha de servicio de esta citación, excluyendo el día de servicio. Si no lo hacen, se ejecutará un fallo por incumplimiento en su contra por el alivio solicitado en la demanda.

Por la presente se le ordena comparecer en el Tribunal de Menores el día 17 de abril de 2024, a las 8:30 a.m.

Testificado y emitido este día 25th de March de 2024, a las 3:45 P.M.

PENNY D. JOHNSON, Secretaria

Por:

Secretario, Adjunto

DEVOLUCIÓN DE LA NOTIFICACIÓN DE CITACIÓN

En este día _____ de _____, de 2024;
Yo he leído la citación al demandado y le he dejado al demandado una copia de esta citación y una copia de la demanda presentada en esta causa.

Recibido por: _____

Firma del Demandado

_____ No pude localizar al demandado.

JURADO este día _____ de _____, de 2024.

POR: _____

Alguacil-Alguacil del Condado-Agente-Oficial de notificación

ESTA CITACIÓN SE EMITE DE CONFORMIDAD CON LA RULE 4 DE TENNESSEE RULES OF CIVIL PROCEDURE.

EN EL TRIBUNAL DE MENORES DEL CONDADO DE SEVIER, TENNESSEE

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES,

Demandante,

contra

Núm:2024-DN-16

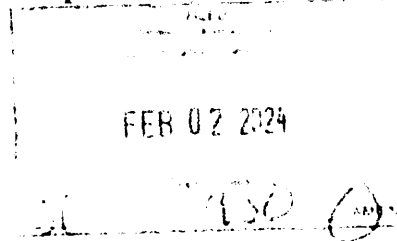
ELSA JOHANNA, Madre
Reside en Honduras

Y

SANTOS MILAGROS JIMENEZ ROMERO, Abuela
Materna/Supuesto Perpetrador
103 Mountain View Dr.
Sevierville, TN 37862
865-255-2853

Y

SANTOS MISAEL SALGADO GIMENEZ, Tío Materno/Supuesto
Perpetrador
101 Mountain View Dr,
Sevierville, TN 37862
865-255-2853
Actualmente en la Cárcel del Condado de Sevier



Demandados.

EN EL ASUNTO DE:

BREYDI MANDELIZ SALGADO JIMENEZ Fecha de Nacimiento: **25/7/2007**
[Retirado a la custodia del DCS el 29/01/2024 a las 10 p.m.
NIÑO(S) MENOR(ES) DE DIECIOCHO (18) AÑOS DE EDAD

ORDEN DE AUDIENCIA PRELIMINAR

SOSTENIDO POR: JUEZ ADRIENNE OGLE

FECHA DE LA AUDIENCIA: 02/02/2024

FECHA DE LA PETICIÓN PRESENTADA: 31/1/2024

FECHA EN QUE EL/LA NIÑO(A)(S) INGRESÓ/INGRESARON AL CUIDADO DE ACOGIDA:

n/a

FECHA DE LA PRÓXIMA AUDIENCIA: 4/17/24 TIPO: ADJ

PRESENTE:

[madre] **ELSA JOHANNA**

- Presente: en servicio de proceso servido hoy
- fue notificado y no compareció
- no recibió aviso o su paradero es desconocido
- fue representado por un abogado
- renunció al abogado por escrito

[abuela] **SANTOS MILAGROS JIMENEZ ROMERO**

- Presente: en servicio de proceso servido hoy
- fue notificado y no compareció
- no recibió aviso o su paradero es desconocido
- fue representado por un abogado _____

[_tío] **SANTOS MISAEL SALGADO GIMENEZ**

- Presente: en servicio de proceso servido hoy
- fue notificado y no compareció
- no recibió aviso o su paradero es desconocido
- fue representado por un abogado _____

niños _____

Guardian ad litem: TAYLOR DRINNEN Monica Rodriguez
Drinnen - Stanaryin

[otra parte/partes] _____

Abogado del DCS Lori Walker / Dean Griffey

Gerente de Casos de CPS PAUL NOVAK; TL Kelsi Jiles

Trabajador(es) de Servicios Familiares del DCS _____

(otros participantes) _____

HALLAZGOS DEL TRIBUNAL:

A. La Audiencia Preliminar debería continuar por la siguiente razón:

- para obtener servicio de proceso.
- tras la renuncia del tiempo por parte del/de los Demandado(s).

otro: _____

B. El/los Demandado(s) renuncian a la Audiencia Preliminar.

C. A partir de las pruebas presentadas, declaraciones y argumentos de los abogados y el expediente completo, el Tribunal encuentra

(1) que existe causa probable para creer que el niño es descuidado, dependiente o abusado

debido a _____

cómo se alega en la petición;

(2) que se requiere la remoción del niño de acuerdo con T.C.A. 37-1-114(2) y que no existe una alternativa menos drástica a la remoción; y

(3) que

se hicieron esfuerzos razonables para evitar la remoción del niño del hogar

basado en una evaluación de la familia y las circunstancias del niño, fue razonable no hacer ningún esfuerzo para mantener al niño en el hogar.

no se requirieron esfuerzos razonables para evitar la remoción porque:

un tribunal de jurisdicción competente ha determinado previamente que el padre ha sometido al niño a circunstancias agravantes según lo definido en T.C.A. 36-1-102(9)

el padre ha sido condenado por uno de los delitos graves contra un niño especificados en T.C.A. 37-1-166(g)(4)(B).

los derechos parentales del padre sobre un hermano o medio hermano han sido terminados involuntariamente.

El Tribunal encuentra además que lo siguiente es en el mejor interés del niño y, **POR LO TANTO, SE ORDENA** que:

1. JURISDICCIÓN: El niño mencionado anteriormente permanecerá dentro de la jurisdicción protectora de este Tribunal.

2. CUSTODIA:

The State of Tennessee, Department of Children's Services, retendrá la custodia legal temporal de los niños, con la autoridad para consentir tratamientos médicos,

quirúrgicos, hospitalarios, institucionales necesarios, o la inscripción educativa, en espera de una orden adicional de este Tribunal.

La custodia legal temporal de los niños se otorga a _____ pendiente de una audiencia adicional, al encontrar que dicha colocación es adecuada y es una alternativa menos drástica al cuidado de crianza.

3. VISITAS Y ÓRDENES DE RESTRICCIÓN:

Parents (Padres)

se le permitirá tener visitas supervisadas con el niño de acuerdo con las reglas y regulaciones del Departamento de Servicios para Menores.

se le permitirá tener visitas supervisadas con el niño, que serán supervisadas por el/los custodio(s) o su designado de terceros. No se permitirá la visita, o la visita se interrumpirá, si el padre parece estar bajo la influencia de alcohol o drogas. El padre no conducirá un vehículo en el que los niños sean pasajeros. *Las visitas supervisadas no incluyen pernoctaciones.*

El Departamento de Servicios para Menores y el Guardian *ad Litem* tendrán la autoridad para modificar las visitas relajando o eliminando el requisito de supervisión y aumentando la frecuencia o duración de las visitas, incluyendo visitas nocturnas, a discreción del Departamento y basado en el progreso hacia la reunificación y pueden restringir nuevamente las visitas si es necesario a contacto supervisado.

SANTOS MILAGROS JIMENEZ ROMERO y SANTOS MISAEL SALGADO GIMENEZ no tendrán contacto con los niños hasta una audiencia adicional.

El/los Presunto(s) Agresor(es), _____ renuncia(n) a la Audiencia Judicial y estipula(n) por preponderancia de la evidencia que la orden judicial es necesaria para evitar conductas que sean perjudiciales o dañinas para el niño/nios.

A partir de las pruebas presentadas, las declaraciones de los abogados y el expediente en su totalidad, el Tribunal encuentra que la orden judicial es necesaria según el Tennessee Code Annotated § 37-1-152 para prevenir conductas que sean perjudiciales o dañinas para el niño/niños, y que el Departamento de Servicios para Menores ha establecido por preponderancia de la evidencia que existe riesgo de daño para el niño/niños (1) por todas las razones establecidas en la Petición, que se incorporan específicamente en esta Orden, (2) por las siguientes razones:

_____.

ORDEN DE RESTRICCIÓN PERMANENTE: _____
no tendrá contacto con el niño/niños, incluyendo ningún contacto personal, ninguna llamada telefónica, ningún mensaje electrónico o escrito, y ningún mensaje a través de terceros. Esta orden judicial permanecerá en efecto hasta que el niño/niños alcancen la edad de 18 años o hasta que esta Orden sea modificada por este Tribunal.

RESPONSABILIDADES DEL PADRE/TUTOR LEGAL: El Tribunal informó a la Madre/Padre/Tutor Legal de su responsabilidad de hacer cumplir esta orden judicial y las posibles sanciones legales por violación de la orden de este Tribunal.

4. AUDIENCIAS:

Se renuncia a la audiencia preliminar.

La audiencia preliminar continua siendo reprogramada a solicitud del abogado del/de los Demandado(s).

La audiencia preliminar se reprograma para el día _____ a las _____ AM/PM.

La audiencia de adjudicación se programa para el día 4/17/24 a las 9 AM / PM.

La revisión judicial y la ratificación del plan de permanencia se programan para el día _____ a las _____ AM/PM.

5. MANUTENCIÓN DE MENORES

deberá(n) pagar cada uno una manutención temporal simbólica de cincuenta dólares (\$50.00) por mes por cada niño, venciendo el primer día de cada mes, a través de la Unidad Central de Recaudación de Manutención de Menores, P.O. Box 305200, Nashville, TN 37229, comenzando de inmediato. El nombre del niño y la fecha de nacimiento deberán estar escritos en el cheque o giro postal. *Esta cantidad se determina sin presunción de corrección.*

_____ deberá presentarse para una audiencia el _____ de 2024, a las 9:00 a. m. en la División de Manutención de Menores

de este Tribunal para determinar la capacidad de cada uno para pagar la manutención de menores. Él/Ella/Ellos deberá(n) traer documentación de ingresos actuales, incluyendo talones de pago recientes. La falta de comparecencia a esta audiencia puede resultar en la emisión de un fallo en rebeldía.

6. AUTORIZACIONES MÉDICAS ORDENADAS POR EL TRIBUNAL PARA LOS NIÑOS BAJO LA CUSTODIA DEL DCS:

The State of Tennessee Department of Children’s Services de conformidad con el T.C.A. 63-1-165, ha solicitado por escrito a este tribunal la emisión de una orden autorizando la vacunación de un menor bajo la custodia del estado. Se ordena que los empleados y agentes del Departamento de Servicios para Menores tienen permitido proporcionar, solicitar o facilitar la vacunación del (de los) niño(s) en cuestión, y se les otorga expresamente la autoridad para otorgar el consentimiento para las siguientes vacunas para el (los) niño(s) en cuestión:

Hepatitis B; Rotavirus; Difteria, tétanos y tos ferina acelular; Haemophilus influenzae tipo b; Neumocócica conjugada; Polio virus inactivado; Influenza; Sarampión, paperas, rubéola; Varicela; Hepatitis A; y Meningocócica.

OTRO _____

Cualquier proveedor de atención médica deberá aceptar el consentimiento informado del Departamento de Servicios para Menores para administrar cualquier vacuna autorizada por esta orden al(los) niño(s) en cuestión.

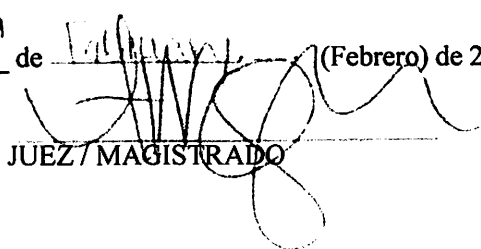
7. Vacunas para niños que no están bajo custodia del DCS: T.C.A. 63-1-165 no prohíbe a los custodios legales obtener vacunas para los niños bajo su custodia incluso si no tienen el consentimiento parental: (c)(1) Un proveedor de atención médica no deberá administrar una vacuna a un menor a menos que el proveedor de atención médica reciba primero el consentimiento informado de un padre o **tutor legal** del menor. El proveedor de atención médica deberá documentar la recepción de, y incluirla en el expediente médico del menor, la prueba de dicho consentimiento informado previo de los padres o guardianes. (Énfasis añadido al T.C.A. 63-1-165).

8. OTRO:

El Tribunal informó a los padres presentes sobre la importancia de las visitas regulares y del pago de manutención para el(los) niño(s) y que estos son motivos para la TPR.

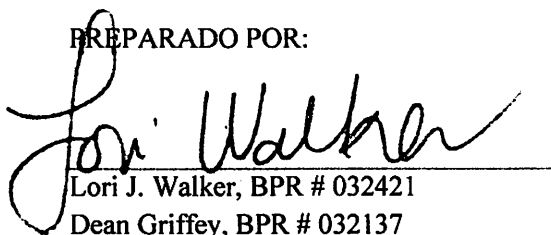
Actividades:

Hecho el día 21 de Febrero (Febrero) de 2024.



JUEZ / MAGISTRADO

PREPARADO POR:




Lori J. Walker, BPR # 032421

Dean Griffey, BPR # 032137

Abogado General Asistente

Departamento de Servicios para Menores

APROBADO POR:



Taylor Drinnen (ad pro m) Montevideo 089173

TAYLOR DRINNEN, Guardian ad Litem

BPR Núm.

BPR Núm.

BPR Núm.

CERTIFICADO DE SERVICIO

Por la presente certifico que el día de hoy he entregado personalmente, enviado por correo electrónico, enviado por fax y/o depositado en el correo de los Estados Unidos, con suficiente franqueo, una copia de la Orden de Audiencia precedente dirigida a:

Lori J. Walker, Abogada del DCS
Taylor Drinnen, Esq.

ELSA JOHANNA
Reside en Honduras

SANTOS MILAGROS JIMENEZ ROMERO
103 Mountain View Dr.
Sevierville, TN 37862

SANTOS MISAEL SALGADO GIMENEZ
101 Mountain View Dr.
Sevierville, TN 37862

Este día 2 de febrero (Febrero) de 2024.



Secretario/a

EN EL TRIBUNAL DE MENORES DEL CONDADO DE SEVIER, TENNESSEE

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES,

Demandante,

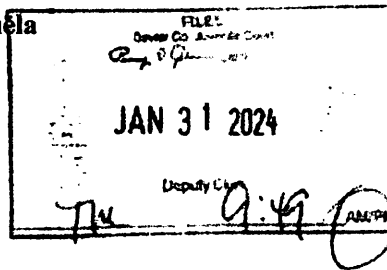
contra

Núm: 2024-DN-16

ELSA JOHANNA, Madre
Reside en Honduras

Y

SANTOS MILAGROS JIMENEZ ROMERO, Abuela
Materna/Supuesto Perpetrador
103 Mountain View Dr.
Sevierville, TN 37862
865-255-2853



Y

SANTOS MISAEL SALGADO GIMENEZ, Tío Materno/Supuesto
Perpetrador
103 Mountain View Dr,
Sevierville, TN 37862
865-255-2853
Actualmente en la Cárcel del Condado de Sevier

Ⓟ 101

Demandados.

EN EL ASUNTO DE:

BREYDI MANDELIZ SALGADO JIMENEZ Fecha de Nacimiento: 25/7/2007
[Retirado a la custodia del DCS el 29/1/2024 a las 10 p.m.
NIÑO(S) MENOR(ES) DE DIECIOCHO (18) AÑOS DE EDAD

PETICIÓN PARA LA CUSTODIA LEGAL TEMPORAL Y PARA LA ORDEN EX PARTE

The State of Tennessee, Department of Children's Services, a través de su representante debidamente autorizado, PAUL NOVAK, Gerente de Caso, solicita a este Tribunal que declare al niño mencionado anteriormente

como dependiente y desatendido y **gravemente abusado**, y otorgue la custodia legal temporal del niño al Departamento de Servicios para Menores de conformidad con T.C.A. § 37-1-129-130. Esta petición se presenta sobre la base de información y creencia, y sobre los siguientes hechos razonablemente comprobables.

I. JURISDICCIÓN Y LUGAR

1. Este Tribunal tiene jurisdicción sobre esta acción de conformidad con T.C.A. 37-1-103(a)(1). El lugar es apropiado en este Tribunal de conformidad con T.C.A. § 37-1-111(a) y (c) porque el niño está actualmente presente y es residente de este condado.

2. De conformidad con T.C.A. § 37-1-120, el Demandante declara que el Departamento de Servicios para Menores no ha participado como parte o testigo o en ninguna otra capacidad en ningún otro procedimiento relacionado con la custodia o visitación de este niño. El Departamento no tiene conocimiento de ningún otro procedimiento que pueda afectar esta acción y no conoce a ninguna otra persona que no sea parte en este procedimiento y que tenga la custodia física del niño o reclame derechos de custodia legal o custodia física o visitación con el niño.

3. Durante los últimos cinco (5) años, los niños han vivido con las siguientes personas en las direcciones indicadas a continuación:

103 Mountain View Dr. Sevierville, TN 37862

4. Ninguno de los padres está actualmente sirviendo en las Fuerzas Armadas, por lo que la Service Members Civil Relief Act no se aplica a este procedimiento.

5. El niño no es miembro ni es elegible para ser miembro de ninguna tribu indígena reconocida federalmente; los padres del niño no son miembros ni son elegibles para ser miembros de ninguna tribu indígena reconocida federalmente, por lo que la Indian Child Welfare Act no se aplica a este procedimiento.

II. DEPENDENCIA Y DESATENCIÓN

1. El niño mencionado anteriormente es dependiente y desatendido en el sentido de T.C.A. § 37-1-102 (b)(1) y (b)(13) debido a los siguientes hechos y circunstancias:

2. El Gerente de Caso (CM) Novak recibió un P1 el 29/01/2024. Hubo acusaciones de Abuso Sexual. Los Presuntos Perpetradores (APs) son Santos Milagros Jimenez Romero y Santos Misael Salgado Gimenez.

La Presunta Víctima Infantil (ACV) es Breydi Mandeliz Salgado Jimenez.

3. El Gerente de Caso Novak se trasladó al Departamento de Policía de Sevierville (SPD) el 29/01/2024. El CM se entrevistó con el Detective Milliron, quien afirmó que Santos Misael Salgado Ginenez es hijo de Santos Milagros Jimenez Romero y que planea arrestar a Santos Misael. Se informó que la niña se ha escapado de casa cuatro veces. Se reportó que la niña les dijo a las autoridades (LE) que Santos Misael le introdujo el pene en la vagina alrededor de la Navidad de 2023. Se reportó que la niña tiene miedo de Santos Misael y comenzará a temblar, llorar y correr a su habitación para cerrar la puerta con seguro si lo ve. Se reportó que la niña le dijo a la Policía que Santos Misael la 'manoseó' recientemente. Se reportó que la Policía atrapó a Santos Milagros en una mentira. Se reportó que la niña ha informado a la abuela en varias ocasiones que hay algo sucediendo entre ella y el tío, pero la abuela no le cree; sin embargo, luego afirmó que la niña actúa de manera diferente cuando el tío está presente. Se informó que la abuela es más protectora con su hijo/tío. Se informó que encontraron a la niña en Maryville, TN.
4. El CM Novak se comunicó con Santos Misael en presencia de las autoridades. El CM utilizó un intérprete de español por teléfono. Santos Misael estaba esposado. El tío afirmó que tenía \$18,000 en su billetera. El tío afirmó ser dueño de su propio negocio de construcción, MG Roofing. El tío afirmó que el niño se ha escapado de casa cinco veces. El tío afirmó que no reside con la niña. El tío afirmó que reside en el apartamento 101 y que la niña reside en el apartamento 103. El tío afirmó que no conoce el comportamiento de la niña, pero sabe que llora mucho. El tío afirmó que la madre de la niña tiene la custodia de la niña y que la madre biológica, Elsa Johanna, actualmente reside en Honduras. El tío afirmó que la niña ha estado con la abuela, Santos Milagros, desde 2012. El tío afirmó que no sabe nada sobre ningún tipo de documentos de custodia. El tío afirmó ser un inquilino en el apartamento y niega ser propietario. El tío afirmó que ha estado residiendo en su apartamento durante cinco años.

El tío declaró que su madre, Santos Milagros, el niño, Breydi, la tía, Dora, su hermano y su padrastro residen en un hogar, y que él vive solo. El tío negó las acusaciones en su contra, ya que las autoridades le informaron al tío que está siendo acusado de violación y agresión sexual por una figura de autoridad. El tío se rió y dijo que no había hecho nada y que no entendía lo que estaba pasando. El tío afirmó, mientras sacudía la cabeza, "Nunca, la niña está segura, yo no vivo allí".

5. El CM Novak se comunicó con Breydi Mandeliz en presencia de las autoridades de la ley. El CM utilizó un intérprete telefónico en español. Se observó que Breydi Mandeliz llevaba una sudadera con capucha demasiado grande, tenía un tono monótono y se sacudía. La niña declaró que estaba bien y que la escuela iba bien. La niña declaró que estaba viviendo con su novio (18 años) y su familia en algún lugar de Chapman Hwy. La niña declaró que ya no vivía con su abuela, Santos Milagros. La niña insistió en que quería estar con su novio, pero el CM se aseguró de que entendiera que eso nunca sucedería. La niña declaró que se escapaba porque quería estar con su novio y no quería estar con su abuela por culpa de su tío. La niña declaró que debería estar viviendo con su abuela, pero decidió que ya no quería hacerlo.
6. La menor afirmó que no hay problemas con su abuela cuando se le preguntó sobre lo que sucede cuando se mete en problemas. La menor declaró: "Mi tío Romero abusa de mí". La menor indicó que su Tío Romero reside al lado de donde vive con su abuela. La menor declaró que reside con su abuela y su otro tío, Noe. La menor declaró que su madre está en Honduras y desconoce a su padre biológico. La menor declaró que ha estado con su abuela durante cinco años. CM completó una breve entrevista presencial con la menor. La menor declaró que su tío Romero la tocó sobre la ropa, no dio una fecha específica y luego indicó que ocurrió en su habitación, a solas. La menor luego declaró que su tío Romero se forzó sobre ella, en dos ocasiones, y la tocó. La niña declaró que esto ocurrió en la casa de su abuela, no proporcionó una fecha específica. La niña declaró que la madre de su novio podría cuidar de ella y que no se siente segura en la casa de su abuela.

La niña declaró que su abuela no se preocupa por ella ni por lo que le cuenta. La niña negó el abuso en el hogar con su abuela. La niña estaba libre de marcas visibles, moretones o cortes.

7. LE informó a CM que la niña afirmó que se realizó una prueba de embarazo hacia finales de diciembre de 2023 y dio positivo. Se informó que la niña ha estado golpeando su estómago y comenzó a sangrar. Se informó que la niña se realizó otra prueba de embarazo y dio negativo.
8. CM Novak se comunicó con Santos Milagro con la presencia de LE. CM utilizó un intérprete de español por teléfono. La abuela declaró que la niña siempre se escapa. La abuela declaró que la niña quiere estar con su novio, Eduar Vasquez, y ella no lo permite. La abuela declaró que no conoce a Eduar, nunca lo ha conocido, y que Eduar nunca ha estado en su casa. La abuela declaró que siempre llama a LE cuando la niña se escapa. La abuela declaró que en la casa residen ella, la niña, su hermana, Dora, y su sobrino. La abuela declaró que su hermana, Dora, vino de Texas porque tiene cáncer. La abuela declaró que Noe no reside en la casa y que está trabajando en otro estado. La abuela declaró que la niña está en clases especiales en la escuela. La abuela declaró que solo tiene un pasaporte para la niña y eso es todo en cuanto a custodia. La abuela declaró que la madre trajo a la niña a Tennessee (TN) en 2011. La abuela declaró que no tiene documentos, pero puede solicitar una carta de la madre. La abuela declaró que la niña insulta a todos y cuando eso sucede, nadie le presta atención, y a la niña no le gusta eso. La abuela declaró que su hermana cuidará de la niña cuando ella esté trabajando. La abuela declaró que Romero reside al lado y que él también trabaja todo el tiempo. La abuela declaró que Romero no pasa mucho tiempo en su casa, pero a veces viene por la noche y luego regresa a su propia casa. ^{grandmother (P)} La ~~madre~~ ^{abuela} negó el consumo de drogas/alcohol, violencia doméstica, abuso físico/verbal y lenguaje despectivo.

abuela

La abuela negó las acusaciones contra Romero. La abuela declaró que la niña no le ha contado nada sobre esto. La abuela declaró que la niña actúa normal cuando está cerca de Romero, siempre riendo, nada anormal.

9. El CM Novak se reunió con la Líder de Equipo (TL) Mary Lane de guardia y se le aconsejó revisar un genograma con la abuela, en el que el CM no pudo encontrar un lugar apropiado de colocación no custodial para la niña. La niña ingresó a Custodia del DCS.
10. El 30/01/2024, se informó que la niña dio negativo en todas las sustancias en una prueba de detección de drogas en orina (UDS). También se informó que la niña completó una prueba de embarazo y dio negativo.
11. Basándose en los hechos mencionados anteriormente, la niña es dependiente y descuidada.

III. ESFUERZOS RAZONABLES

Basándose en una evaluación de la familia y las circunstancias del niño, fue razonable no hacer ningún esfuerzo para mantener al niño en el hogar *porque el niño no tiene un tutor legal*.

Se hicieron esfuerzos razonables para evitar la remoción del niño del hogar. El DCS intentó localizar *colocaciones no tutelares sin éxito*.

IV. CUSTODIA

1. Con base en los hechos mencionados anteriormente, el niño está sujeto a una amenaza inmediata en la medida en que cualquier demora para una audiencia probablemente resultaría en daños graves o irreparables.
2. No hay una alternativa menos drástica que la remoción del hogar que protegerá razonablemente la salud y seguridad del niño pendiente de una audiencia preliminar.
3. El niño fue retirado a custodia protectora por el Departamento de Servicios para Menores el **29 de enero de 2024**.
4. El niño será retirado de la custodia de la madre.

V. INTERÉS SUPERIOR

Es en el mejor interés del niño y del público que este procedimiento se lleve a cabo. Es contrario al bienestar del niño permanecer en el hogar, y el niño debe ser retirado del hogar y colocado en la custodia legal temporal del Departamento de Servicios para Menores por las razones mencionadas anteriormente.

VI. PARTES

1. La madre del niño es **ELSA JOHANNA**, cuya información de contacto se desconoce en este momento.
2. La abuela materna y presunta perpetradora del niño es **SANTOS MILAGROS JIMENEZ ROMERO**, cuya información de contacto está disponible en la cabecera.
3. El tío materno y presunto perpetrador es **SANTOS MISAEEL SALGADO GIMENEZ**, cuya información de contacto está disponible en la cabecera.

VII. AVISO SOBRE EL ABANDONO

El incumplimiento intencional de un padre de visitar o apoyar al niño mencionado anteriormente durante cuatro meses o más podría constituir Abandono, según se describe en el Tennessee Code Annotated § 36-1-102(1) y podría ser utilizado como motivo para terminar los derechos parentales sobre este niño.

PETICIÓN DEL DEMANDANTE:

1. Que, tras la presentación de esta Petición, el Tribunal emita una orden de custodia protectora inmediata tomando al niño mencionado anteriormente bajo la jurisdicción protectora de este Tribunal y otorgando el cuidado y custodia temporal de este niño al Departamento de Servicios para Menores en espera de una audiencia posterior.
2. Que se designe a un Guardián ad Litem para el niño, para ser compensado de conformidad con T.C.A § 37-1-150 y las reglas aplicables.
3. Que se notifique a los Demandados con una copia de esta petición, la orden de custodia protectora y una citación para comparecer y responder.
4. Que el Tribunal considere la necesidad de designar abogado para los padres del niño, quienes pueden ser incompetentes o indigentes o como pueda ser requerido por la ley, con compensación a ser pagada de conformidad con T.C.A. § 37-1-150 y las reglas aplicables.

5. Que el Tribunal celebre una audiencia preliminar no más tarde de 72 horas, excluyendo días no judiciales, pero en ningún caso más de 84 horas después de la remoción del niño, para determinar el tema de la custodia temporal del niño en espera de la adjudicación final de este asunto.

6. Que en una audiencia final de este asunto, el Tribunal determine que el niño mencionado anteriormente es dependiente y descuidado en el sentido de la ley; que es contrario al interés superior del niño permanecer en el hogar; que se hicieron esfuerzos razonables para evitar la remoción del niño o que no se requerían esfuerzos razonables, y que no existe una alternativa menos drástica a la remoción.

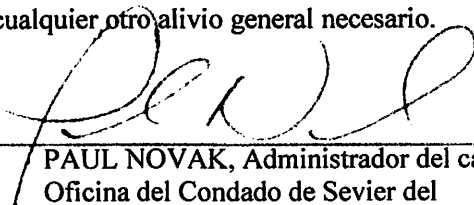
7. Que basado en las conclusiones anteriores, el Tribunal otorgue la custodia legal temporal del niño al Departamento de Servicios para Menores, otorgando al Departamento de Servicios para Menores la autoridad para consentir atención médica, quirúrgica, hospitalaria, educativa, institucional, psiquiátrica o psicológica ordinaria o necesaria, sujeta a nuevas órdenes de este Tribunal.

8. Que el Tribunal investigue la capacidad de cada padre para pagar el mantenimiento y el costo de la atención médica del niño y emita una orden en consecuencia.

9. Que se restrinja a la madre a contactos supervisados y se prohíba el contacto al tío y la abuela.

10. Que el Tribunal emita una orden de conformidad con 2023 Tennessee Laws Pub. Ch. SB No. 1111 y HB No. 1380 otorgando al DCS la autoridad para consentir cualquier vacunación necesaria de los niños.

11. Que el Tribunal conceda cualquier otro alivio general necesario.



PAUL NOVAK, Administrador del caso
Oficina del Condado de Sevier del
Department of Children's Services
115 Allensville Rd, Suite 105
Sevierville, TN 37876

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES

POR: Lori J. Walker

Lori J. Walker, BPR # 032421
Abogado General Asistente
115 Allensville Rd, Suite 105
Sevierville, TN 37876
865-712-2647

ESTADO DE TENNESSEE
CONDADO DE SEVIER

Yo, PAUL NOVAK, debidamente juramentado según la ley, declaro que los hechos expuestos en la petición anterior son verdaderos y correctos según mi leal saber y entender.

Paul Novak
PAUL NOVAK, Administrador de Casos

Juramentado y suscrito ante mí este día 23^{er} de January (enero) de 20 24.

Jeanne Ingle
Notario Público



Mi comisión vence: October 4, 2025
(4 de octubre de 2025)

JEANNE INGLE
ESTADO DE TENNESSEE
NOTARIO PÚBLICO
CONDADO DE SEVIER